

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:**Hearing Location:****SUBPOENA TO ATTEND AND PRODUCE**

[*SUPREME/DISTRICT/ENVIRONMENT, RESOURCES AND DEVELOPMENT*] Delete all but one COURT OF SOUTH AUSTRALIA

[*COURT OF APPEAL*] If applicable

CIVIL JURISDICTION

[*MINOR CIVIL*] If applicable

[*NAME OF LIST*] LIST If applicable

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Person subject to Subpoena

Person

Full Name

Address

Street Address (including unit or level number and name of property if required)

City/town/suburb

State

Postcode

Country

Email address

Telephone

Type - Number

YOU ARE ORDERED to attend to produce this Subpoena or a copy of it and the documents or things specified in the Subpoena/Schedule of documents attached to this Subpoena at the date, time and location

set out above unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted.

Insofar as you are required to produce this Subpoena or a copy of it and documents or things, you may comply with this requirement by delivering or sending this Subpoena or a copy of it and the documents or things specified in the **Subpoena/Schedule of documents** to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for production. (see Notes 5-11 below)

Address, or any address, to which the Subpoena (or a copy of it) and documents or things may be delivered or posted:

[Court] of South Australia Civil Registry
Address

Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.

You should read all of the Notes set out at the end of this subpoena. **You must complete the Declaration by Addressee (Subpoena Recipient) set out at the end of this Subpoena.**

The last date for service of this subpoena is [date] (see Note 1).

If applicable

The last date for service was fixed by order made by [title of judicial officer] [name] on [date].

Subpoena issued at the request of the following party

Party Title	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Name of law firm / solicitor If any	Law Firm	Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type - Number		

Duplicate panel if required

Documents and things

Mark appropriate section below with an 'x'

The documents and things you must produce

[] are included in the Schedule attached to this Subpoena.

[] are as follows

List documents or things

1.

Notes

Last day for service

1. Subject to note 2, you need not comply with the Subpoena unless it is served on you on or before the date specified in the Subpoena as the last date for service of the Subpoena.

Informal service

2. Even if this Subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the Subpoena, actual knowledge of the Subpoena and of its requirements.

Addressee a corporation

3. If the Subpoena is addressed to a corporation, the corporation must comply with the Subpoena by its appropriate or proper officer.

Conduct money

4. You need not comply with the requirements of the subpoena unless a sum of money or its equivalent (such as pre-paid travel) sufficient to meet your reasonable expenses of attending as required by the subpoena and returning after so attending is provided or tendered to you a reasonable time before the day on which your attendance is required.

Production of Subpoena or copy of it and documents or things by delivery or post

5. Insofar as this Subpoena requires production of the Subpoena (or a copy of it) and a document or thing, instead of attending to produce the Subpoena (or a copy of it) and the document or thing, you may comply with the Subpoena by delivering or sending the Subpoena (or a copy of it) and the document or thing to the Registrar:
 - (a) at the address specified in the Subpoena for the purpose; or
 - (b) if more than one address is so specified, at any one of those addresses;so that they are received not less than 2 clear business days before the date specified in the Subpoena for attendance and production or, if you receive notice of a later date or time from the issuing party, before that later date or time.
6. If you object to a document or thing produced in response to this Subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Registrar in writing of your objection and of the grounds of your objection.
7. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the Subpoena being inspected by any party to the proceeding, the Registrar may permit the parties to the proceeding to inspect the document or thing.

Production of a number of documents or things

8. If you produce more than one document or thing, you must, if requested by the Registrar, produce a list of the documents or things produced.

Production of copy instead of original

9. Unless the Subpoena specifically requires you to produce an original, you may produce a copy of any document that the Subpoena requires you to produce. If you are producing copies, you are encouraged to produce them in electronic form.
10. Electronic copies of documents can be provided on a memory card or stick in any of the formats referred to in paragraph 11 below.
11. A copy of a document may be:
 - (a) a photocopy; or
 - (b) in any of the following electronic formats:

- (i) .doc and .docx – Microsoft Word documents
- (ii) .pdf – Adobe Acrobat documents
- (iii) .xls and .xlsx – Microsoft Excel spreadsheets
- (iv) .jpg – image files
- (v) .rtf – rich text format
- (vi) .gif – graphics interchange format
- (vii) .tif – tagged image format
- (viii) any other format which is agreed with the issuing party.

Applications in relation to Subpoena

12. You have the right to apply to the Court:

- (a) for an order setting aside the Subpoena (or a part of it) or for relief in respect of the Subpoena; and
- (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the Subpoena.

Loss or expense of compliance

13. You may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the Subpoena.

Contempt of court – arrest

- 14. Failure to comply with a Subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
- 15. Note 14 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a Subpoena) or otherwise, to enforce compliance with a Subpoena.

For more information regarding attending Court, Court services and translation services visit www.courts.sa.gov.au

Notes to Lodging Party

If the recipient is to be served interstate, a Form 108 Notice must be served with the Subpoena.

If the recipient is a prisoner to be served interstate, a Form 109 Notice must be served with the Subpoena.

If the recipient is to be served in New Zealand a Form 110 Notice must be served with the Subpoena.

SCHEDULE TO SUBPOENA

[list of documents or things]

DECLARATION BY ADDRESSEE (SUBPOENA RECIPIENT)

You must complete the Declaration below and produce it at the same time as the Subpoena with the copy of the documents or things required by the Subpoena.

If you declare that the material you produce are copies of documents, the Registrar may, without further notice to you, destroy the copies after the expiry of 4 months from the conclusion of the matter or, if the documents become exhibits in the matter, when they are no longer required in connection with the matter, including on any appeal.

If you declare that the material you produce is or includes any original document, the Court will return all of the material to you at the address specified by you in the Declaration below.

Mark appropriate section below with an 'x'

☐ **All copied documents**

All of the material I am providing in compliance with this Subpoena comprises copies of documents. I acknowledge that the Court will destroy the copies once they are no longer required, without further notice to me.

☐ **Some original documents**

Some or all of the material I am providing in compliance with this Subpoena is an original document. Once the material is no longer required, all of the material should be returned to me at the following address:

Address for return of material.

.....
Signature of Addressee

.....
Name printed

.....
Date